



May 12, 2004

DESIGN MEMORANDUM No. 04-02
POLICY CHANGE

TO: All Design, Operations, and District Personnel, and Consultants

FROM: /s/ Anthony L. Uremovich
Anthony L. Uremovich
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Contracts and Construction Division

SUBJECT: Temporary Right of Way for Drive Construction

COMPLEMENTS: *Indiana Design Manual* Section 85-5.01(01)

EFFECTIVE: March 16, 2005, Letting

Temporary right of way is not always warranted for driveway construction. If no permanent right of way is required from a property owner, temporary right-of-way takes from that property should be avoided if possible. This is in an effort to reduce the number of parcels on a project.

Temporary right of way for drive construction should be considered where any of the criteria exist as follows:

1. the proposed drive grade and vertical curve required to construct the drive tie-in extends beyond the permanent right-of-way line. Generally, the drive grade should not exceed the grade shown on the INDOT *Standard Drawings*;
2. if any type of right of way is required from a property for other work, the drive should be paved to the right-of-way line and the necessary temporary right of way for drive construction should be acquired;

3. the drive pavement is in need of replacement to the right-of-way line, or a different drive pavement material than that in place must be used;
4. if the proposed drive is wider than the existing drive, it is preferred to place the tapers outside the permanent right of way as shown on the INDOT *Standard Drawings*; or
5. revising the drainage causes grading work outside the permanent right of way.

Temporary right of way for drive construction should not be considered in the situations as follows:

1. the proposed drive grade and vertical curve required to construct the driveway tie-in are short of the permanent right-of-way line, and the existing pavement beyond the tie-in point may remain in place. Paving should stop at the drive tie-in point, or within 1.5 m (5 ft) of the right-of-way line, whichever is farther from the roadway; or
2. for a partial 3R project, a 1-m (3-ft) wide HMA wedge is placed adjacent to the mainline or shoulder pavement. Therefore, no temporary right of way will be required. See *Indiana Design Manual* Section 56-4.05(02).

Construction limits for drives should be shown on the plans within the temporary right of way. Excessive temporary right of way should not be taken outside of the construction limits. The minimum distance from the construction limits to the temporary right-of-way line is 1.5 m (5 ft). This distance could vary depending on the individual situation. Features such as trees, wells, septic systems, planters, gardens, signs, lamp posts, etc., may appear within the temporary right-of-way limits. If such features are within the temporary right of way and are not to be removed, they should be identified on the plans as not to be disturbed.